

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

NOTICE OF MOTION AND MOTION
21-MJ-1158

RICHARD SCHERER

Defendant.

PLEASE TAKE NOTICE, that the undersigned DOMINIC SARACENO, ESQ., attorney for the defendant, RICHARD SCHERER, based upon the following affirmation hereby moves for a 60 day adjournment of the December 30, 2021 48b date.

AFFIRMATION

1. I am an attorney at law duly licensed to practice in the State of New York and in the Western District of New York with offices located at 534 Delaware Avenue, Buffalo, New York 14202.

2. This affirmation is offered in support of counsel's request for an adjournment of the above referenced 48b date.

3. The Court previously entered a 48b date of December 30, 2021.

4. I understand the Court does not adjourn Rule 48(b) dates for plea negotiations, and I am not requesting an adjournment for that purpose.

5. The Government and the Defense have discussed a favorable plea for Mr. Scherer, however, prior to moving forward, I need additional time to review computer forensic materials. More specifically, the government recently indicates that it has identified an image that the government believes to be child pornography. I need additional time to

meet with the government and review said material. I also need time to discuss the results with the defendant.

6. I expect this review will take approximately 30 to 60 days, at which time we will be in a position to move forward with the proposed plea, or for the Government to indict the case.

7. This is the first request for any adjournment of the Rule 48(b) date.

8. The defense counsel is making this motion on behalf of Richard Scherer.

9. Assistant United States Attorney AARON MANGO has consented to adjourning the 48b date.

10. The defendant agrees that the additional time allowed is excludable under the Speedy Trial Act.

WHEREFORE, for the reasons set forth above, defendant, RICHARD SCHERER, respectfully requests an Order from this Court granting a 60-day adjournment of the 48b date.

s/ Dominic Saraceno, Esq.

DOMINIC SARACENO, ESQ.
534 Delaware Avenue
Buffalo, New York 14202
(716) 626-7007 (t)
(800)-305-5836 (f)
saracenolaw@gmail.com

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CERTIFICATE OF SERVICE

21-MJ-1158

I hereby certify that on December 28, 2021, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following EM/EF Participant on this case:

AARON MANGO, AUSA
138 Delaware Avenue
Buffalo, New York 14202

s/Dominic Saraceno

DOMINIC SARACENO